

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 12TH DAY OF FEBRUARY, 2021
BEFORE HIS LORDSHIP:
HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)

SUIT NO: SS/M.27/2021

BETWEEN:

USMAN JULI (A.K.A BABANYARA)-----APPLICANT

AND

D.S.S-----RESPONDENT

Appearances:

M.M. Aliyu Esq. for the Applicant. Respondent's Counsel absent. The matter has been fixed for today for hearing.

Court to Registrar: Any correspondence?

Registrar: The Ministry was served on 10/2/2021 and there is no any correspondence.

M.M Aliyu Esq: In the circumstances, we apply for another date to enable them put their appearance. I suggest 22/2/2021 for hearing.

Court: This matter is hereby adjourned to 22/2/2021 for hearing. Fresh hearing notice be issued to the Hon. Attorney General of Sokoto State.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
12/02/2021

Court resumed today 22/2/2021

Appearances:

Iliyasu Ibrahim Esq. for the Applicant.

M.M Dingyadi Esq. for the Respondent.

Iliyasu Ibrahim Esq: We have a motion before this court and we are ready.

A.M. Dingyadu Esq: We are not ready because I was just given the process yesterday evening. In the interest of justice, we need time to enable us respond.

Iliyasu Ibahim Esq: We have no objection to the application for adjournment at the instance of the Respondent. We have agreed to the 10/3/2021 for hearing.

Court: This matter is hereby adjourned to 10/3/2021 for hearing.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
22/02/2021

Court resumed today 10/3/2021

Appearances:

Iliyasu Ibrahim Esq. for the Applicant.

Adamu Yahaya Zango Esq. for the Respondent.

Iliyasu Ibrahim Esq: The matter is for hearing and I am ready.

Adamu Yahaya Zango Esq: We are equally ready.

Court: Proceed.

Iliyasu Ibrahim Esq: This Motion was filed on 21/1/2021. The Motion is brought pursuant to Section 35 of the CFRN 1999 as amended, Section 157, 161, 292, 294 and 295 of the ACJL 2019 and under

the inherent powers of this court. The Motion prays for the reliefs sought as appeared on the face of the Motion paper. The grounds upon which the application is brought, are contained on the face of the motion papers.

The application is supported by a 15 paragraphs support affidavit. We rely on all the averments contained in the affidavit particularly paragraphs 4-15 thereof. There is also an annexure marked as **Exhibit A** annexed to the affidavit.

We have also filed a written address which we adopt as our oral argument. We urge this court to grant the application as prayed.

We were just served with a counter affidavit this morning and we wish to reply on point of law orally. The counter did not disclose how the Applicant will violate the bail conditions if his bail is granted. We therefore urge this court to grant either of the prayers.

Adamu Yahaya Zango Esq: The Respondent has filed a counter affidavit of 6 paragraphs accompanied with a written address and 2 annexures marked a **Exhibit ‘A’ and ‘B’** respectively.

The counter was filed on 10/3/2021. We adopt the written address as our oral argument in urging the court not to grant this application.

Court: This matter is hereby adjourned to the 29/3/2021 for ruling.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
10/03/2021

Court resumed today 23/6/2021

Appearances:

Iliyasu Ibrahim Esq. for the Applicant.

R.A. Chadi Esq. for the Respondent.

RULING

Court: The application by a Motion on notice brought pursuant to Section 35 of the Constitution of the Federal Republic of Nigeria 1999 as amended and Sections 157, 161, 292, 294 and 298 of the ACJL of Sokoto State 2019 filed on the 21/1/2021, has approached this court through his counsel Mr. M.M. Aliyu Esq. praying this court for the following orders:-

1. An order of this Honourable Court releasing the Defendant/Applicant on bail pending the hearing and determination of the case filed against him in Case No. **SK/360^C/2020** which is pending before Chief Magistrate Court No. II Sokoto on holding charge.

Alternatively

2. An order of this Honourable Court mandating the Complainant/Respondent to within 2 months from the date the order of this court is served on the Respondent to prepare and file charges against the Defendant/Applicant before a court of competent jurisdiction in respect of the Case No. **SK/360^C/2020** pending before Chief Magistrate Court No. II Sokoto or the Defendant/Applicant be released on bail in compliance with Section 295 of the Administration of Criminal Justice Law of Sokoto State.
3. And for such further order or orders as this Honourable Court may deem fit to make in the circumstances.

The application was supported by a 6 grounds upon which the application was brought and a 15 paragraphs supporting affidavit. Annexed the supporting affidavit, is one annexure marked as **Exhibit ‘A’** which is the F.I.R and accompanied by a written address which was adopted as the oral legal argument of counsel.

After relying on the affidavit, the annexed **Exhibit ‘A’** and the written address, Applicant’s counsel finally urge the court to grant the application.

In opposing to the grant of this application, the Respondent filed a 6 paragraphs counter affidavit with paragraph 4 being subdivided into subparagraphs (a) and (b) and subparagraph (b) being subdivided into subparagraphs (i) – (vii).

Annexed to the counter affidavit, are 2 exhibits marked as **Exhibits ‘A’** and **‘B’** which the statements of one Usman Juli and Umar A. Umar (Noman) respectively both of whom are suspects and whose names were mentioned in **Exhibit ‘A’** annexed to the Applicant’s supporting affidavit. The counter affidavit was also accompanied with a written address which the Respondent’s adopted as their oral legal argument in this application.

Respondent’s counsel submitted that they rely on all the supporting affidavit and the annexed exhibits with the adopted written address and finally urge the court not to grant the application.

By **Exhibit ‘A’** which is the F.I.R annexed to the Applicant’s supporting affidavit, the Applicant along with one Noman Umaru, Murtala Usman, Ali Umaru and others now at large, were taken to Chief Magistrate Court II, Sokoto in connection with the offences of ***Criminal Conspiracy and Kidnapping*** contrary to Sections 248(1) and 247(a) and (b) of the Sokoto State Penal Code Law, 2019 on the 26/10/2020.

In the said **Exhibit ‘A’** annexed to the Applicant’s supporting affidavit, it was alleged that the gang collected ₦1,000,000, ~~₦800,000~~ including ₦4,000.00 recharge cards of MTN and Airtel before releasing their victims.

I have gone through the affidavit in support of the Motion, the adopted written address including the annexed **Exhibit ‘A’**. I have also gone through the averments contained in the Respondent’s counter affidavit, the annexures annexed there under and the adopted written address. I have also read the provisions of the relevant sections of the extant Laws pursuant to which this application is brought.

In consideration of the averments contained in paragraph 4 (b) (iv) – (vi) of the Respondent’s counter affidavit which have not been controverted by the Applicant as the Applicant has not filed any further affidavit after service on him of the Respondent’s counter affidavit, it will serve the better interest of justice not to grant relief 1 of the Applicant’s reliefs.

However, the Applicant’s alternative relief 2 of the Applicant’s reliefs is hereby granted.

Consequently, the Respondent’s hereby mandated to within 2 months from the date of this ruling take necessary steps to arraign the Applicant before a court of competent jurisdiction for his trial.

Application granted.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
23/06/2021

CERTIFY TRUE COPY:

FATIMA SAIDU MOH’D
Ag. DIRECTOR LITIGATION
HIGH COURT OF JUSTICE,
SOKOTO.